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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,954	01/12/2001	Gregorio Cardenas-Vasquez	60194-9002-00	3381
23409	7590	12/09/2004	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP			STIMPAK, JOHNNA	
100 E WISCONSIN AVENUE			ART UNIT	PAPER NUMBER
MILWAUKEE, WI 53202			3623	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/759,954	CARDENAS-VASQUEZ, GREGORIO
Examiner	Art Unit	
Johnna R Stimpak	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 January 2001.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-16 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 12 January 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. The following is a first office action upon examination of application number 09/759,954.

Claims 1-16 are pending and have been examined on the merits discussed below.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Management Recruiters International's "ConferView", hereinafter MRI. Two specific articles are used:

"A wave of the future", by Ceele Pasternak. April 1993

"Screen test: Interviewing candidates via video hookup", by Brett Davey. Sept. 1993

As per **claim 1**, MRI teaches establishing at least one firm seeking an agent; establishing a candidate; audibly and visually connecting the candidate with the at least one firm via the network; and performing an interview of the candidate (using MRI's video conference network, employers interview job candidates).

As per **claim 2**, MRI teaches the number of established firms is at least two, wherein the audibly and visually connecting act connects the candidate with at least two firms via the network. MRI teaches audibly and visually connecting the candidate with an employer over a network, it is inherent to the recruiting process that a candidate interviews with several employers to find a job.

As per **claim 3**, MRI teaches requesting the candidate to perform a second interview with at least one of the firms. It is, however, inherent to the recruiting process to request subsequent interviews with promising candidates.

As per **claim 4**, MRI teaches performing a second interview with the firm requesting the second interview. Inherent to recruiting is requesting subsequent interviews with promising candidates. The MRI system is used to interview candidates so second interviews are also inherent to MRI.

As per **claim 5**, MRI teaches receiving payment from each of the firms requesting the candidate to perform a second interview (MRI charges employers who arrange interviews with candidates).

As per **claim 6**, MRI teaches submitting at least one offer of employment to the candidate. MRI facilitates the interview process between an employer and a candidate and submitting an offer of an employment is inherent to the recruiting processes therefore it is also inherent to the MRI system that an offer of employment is offered.

As per **claim 7**, MRI teaches accepting one of the at least one offer of employment. MRI facilitates an interview between an employer and a candidate thereby also facilitating an acceptance of a position during an interview.

As per **claim 8**, MRI teaches receiving payment from each of the firms requesting the candidate to perform a second interview (MRI charges employers who arrange interviews with candidates).

As per **claim 9**, MRI teaches providing a first terminal controlled by a candidate, the first terminal including a video camera, a microphone, and software for operating the first terminal;

providing a second terminal controlled by a firm, the second terminal including a display unit, speakers and software for operating the second terminal; providing an intermediary server, the intermediary server including software for operating the intermediary server; connecting the first terminal with the intermediary server via the network; at the first terminal, acquiring a communication signal of the candidate representing at least a portion of the candidate in the interview of the candidate, and transmitting the communication signal to the intermediary server; connecting the second terminal with the intermediary server via the network; and at the second terminal, receiving the communication signal representing at least a portion of the candidate in the interview of the candidate, and playing the communication signal. MRI teaches a video conferencing network wherein employers who pay to use the video conferencing system interview candidates. Inherent to video conferencing networks are terminals, or computers, outfitted with video (cameras, display unit) and audio (microphone, speakers) equipment connected to a server on network that facilitates (using a software program) the communication between terminals. Each user is inherently equipped with all of the above to carry out the videoconference interview.

As per **claim 10**, MRI teaches the first and second terminals are connected with the intermediary server at the same time, and wherein the playing occurs at substantially the same time. MRI teaches a video conferencing network. Inherent to video conferencing networks is the real-time communication between users, minus the slight delay that may occur in transmitting through the network.

As per **claim 11**, MRI teaches providing a third terminal controlled by a second firm, the third terminal including a display unit, speakers and software for operating the second terminal;

connecting the third terminal with the intermediary server via the network; and receiving the communication signal representing at least a portion of the candidate in the interview of the candidate, and playing the communication signal. MRI teaches a video conferencing network wherein employers who pay to use the video conferencing system interview candidates. Inherent to video conferencing networks are terminals, or computers, outfitted with video (cameras, display unit) and audio (microphone, speakers) equipment connected to a server on network that facilitates (using a software program) the communication between terminals. Also inherent to the system is that each employer using the system is outfitted with the audio and visual equipment.

As per **claim 12**, MRI teaches the first and second terminals are connected with the intermediary server at the same time, and wherein the playing occurs at substantially the same time. MRI teaches a video conferencing network. Inherent to video conferencing networks is the real-time communication between users, minus the slight delay that may occur in transmitting through the network.

As per **claim 13**, MRI teaches providing a fourth terminal controlled by a facilitator, the fourth terminal including a video camera, a microphone, and software for operating the fourth terminal; connecting the fourth terminal with the intermediary server via the network; at the fourth terminal receiving the first communication signal of the facilitator representing at least a portion of the candidate in the interview of the candidate, playing the first communication signal, acquiring a second communication signal of the facilitator representing at least a portion of the facilitator in the interview of the candidate, and transmitting the second communication signal to the intermediary server; and at the first terminal receiving the second communication signal

representing at least a portion of the interviewer in the interview of the candidate, and playing the second communication signal. MRI teaches a video conferencing network wherein employers who pay to use the video conferencing system interview candidates. Inherent to video conferencing networks are terminals, or computers, outfitted with video (cameras, display unit) and audio (microphone, speakers) equipment connected to a server on network that facilitates (using a software program) the communication between terminals. Also inherent to the system is that each employer conducting the interview is outfitted with the audio and visual equipment.

As per **claim 14**, MRI teaches receiving the second communication signal representing at least a portion of the facilitator in the interview of the candidate, and playing the second communication signal. The MRI video conferencing interview inherently receives and plays the communication signals sent between the interviewer and the interviewee so that each can see and hear the other.

As per **claim 15**, MRI teaches the first, second, third and fourth terminals are connected with the intermediary server at the same time, and wherein the playing occurs at substantially the same time. MRI teaches a video conferencing network. Inherent to video conferencing networks is the real-time communication between users, minus the slight delay that may occur in transmitting through the network.

As per **claim 16**, MRI teaches at the intermediary server, receiving the communication signal representing at least a portion of the candidate in the interview of the candidate, storing the communication signal in the storage device, and transmitting the communication signal to the second terminal. MRI facilitates the communication between the interviewer and the interviewee and also stores the communication on videotape (“Screen test” page 2, paragraph 5).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Salveson Stetson Group Reports a 170% Increase in the Use of Video Conferencing for Executive Interviews.

Matthes, Karen - "Videoconferences Can Change the Way You Do Business"

Vickers, Marcia - "Don't Touch the Dial: Why Should I Hire You?"

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R Stimpak whose telephone number is 703-305-4566. The examiner can normally be reached on M-F 8am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS  
12/3/04



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